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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSE RODRIGUEZ-AVELINO,

14 Defendant.  
15

Case No. 2:09-CR-00213-KJD-RJJ

**ORDER**

16 Before the Court is the Government's Motion to Waive Attorney-Client Privilege and to  
17 Order Former Counsel to Provide Information Addressing Allegations in Defendant's 28 U.S.C. §  
18 2255 Motion (#35) and the Government's Motions to Extend Time (##33 and 36).

19 Defendants waive their attorney-client privilege as to a given subject by alleging ineffective  
20 assistance counsel as to that subject. See United States v. Ortland, 109 F.3d 539, 543 (9th Cir. 1997).  
21 Here, Defendant has waived his attorney-client privilege as to discussions relating to the impact of  
22 pleading guilty on future citizenship in the United States by alleging ineffective assistance of counsel  
23 as to this subject. Accordingly, **IT IS HEREBY ORDERED** that the Government's Motion to  
24 Waive Attorney-Client Privilege and to Order Former Counsel to Provide Information Addressing  
25 Allegations in Defendant's 28 U.S.C. § 2255 Motion (#35) is **GRANTED. IT IS FURTHER**  
26 **ORDERED** that Raquel Lazo, Defendant's former counsel, file an affidavit with the Court

1 addressing the allegations of ineffective assistance of counsel in Defendant's 28 U.S.C. § 2255  
2 motion within 30 days of the date of this order. Ms. Lazo must also provide copies of her affidavit to  
3 the Government and Mr. Rodriguez-Avelino.

4 Having reviewed the Motions to Extend Time, and good cause appearing, **IT IS HEREBY**  
5 **ORDERED** that the Government's Motions to Extend Time (## 33 and 36) are **GRANTED**. The  
6 Government is granted 30 days to respond to Defendant's 28 U.S.C. § 2255 Motion upon the filing  
7 of Ms. Lazo's affidavit addressing Defendant's allegations.

8 DATED this 22nd day of August 2013.

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12 Kent J. Dawson  
13 United States District Judge  
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